REMARKS

The Examiner is thanked for the careful examination of the application, and for the comments for improving the application. In response to the Office Action, the application has been carefully reviewed. In view of the foregoing amendments and remarks that follow, the Examiner is respectfully requested to reconsider and withdraw the outstanding rejections.

Claim Rejections-35 U.S.C. §112:

With regard to claim 1, the Examiner alleges that the Applicant has claimed that the liquid-pervious surface layer within the wetting region is constituted of hydrophilic absorbent material. The Examiner further alleges that the specification supports a liquid-pervious surface layer (2) with a separate second layer (16) that is hydrophilic. Although it is true that the specification does support a liquid-pervious surface layer (2) with a separate second layer (16) that is hydrophilic, the specification also supports claim 1. In particular, the Examiner's attention is directed to the paragraph bridging pages 3 and 4 of the application, wherein it indicates that the liquid-pervious surface layer within the wetting region is constituted of a hydrophilic material, at least at the surface of the layer which is intended to be facing the user during use, and in the remaining parts of the liquid-pervious surface layer are constituted of a hydrophobic material. The Examiner's attention is also

directed to page 5, lines 28-32, wherein it states that "Although it is preferred, the liquid-pervious surface layer does not have to be composed of different components, but may consist of one and the same material layer, which has been treated so that it has different properties within different regions of its surface layer." Accordingly, the specification clearly supports claim 1 in its present form.

With regard to claim 2, the Applicant claims that a hump projects from the liquid-pervious surface layer. In addition, the Examiner alleges that the specification and drawings support a hump projecting through the liquid-pervious layer. However, the Examiner's attention is directed to page 13, line 5 *et seq.*, wherein it states that the liquid-pervious surface layer 302 consists of two parts, of which the first part is constituted of a first layer 314, which is hydrophobic and essentially lacks absorbency of its own. The second part is constituted of a second layer 316, which is hydrophilic. Accordingly, this portion of the specification, together with Figures 3 and 4, clearly support claim 2.

The Examiner alleges that the limitation "the same extension" lacks proper antecedent basis. Claim 7 has been amended. Accordingly, Applicants submit that claim 7 is now fully compliant with 35 U.S.C. §112, second paragraph.

With regard to claim 13, amendments have been made to address the issues raised by the Examiner.

Accordingly, in view of the foregoing amendments and remarks, the Examiner is respectfully requested to reconsider and withdraw the rejection under 35 U.S.C. §112, second paragraph.

Art Rejections:

Claims 1, 3, 5, and 16 have been rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 3,837,343, hereinafter *Mesek*. *Mesek* discloses an absorbent article that includes a liquid-impervious layer 12, and absorbent layer 14, and a facing layer 16. The facing layer 16 is hydrophobic in almost all of the layer, except for some peripheral areas that do not extend over the absorbent layer 14. Thus, there are no hydrophilic portions of the facing layer 16 over the absorbent layer 14.

Turning attention now to claim 1, the absorbent article includes a liquid-pervious surface layer. The liquid-pervious surface layer is defined as including a wetting region and "remaining parts of the liquid-pervious surface layer". The wetting region is defined as the region of the liquid-pervious surface layer which is intended to first be wetted by body fluid emitted to the article. The claim 1 defines that the wetting region is comprised of a hydrophilic absorbent material, and that all of the "remaining parts" are constituted of a hydrophobic material.

In view of the definition in the claims, in addition to the detailed disclosure set forth in the specification and drawings, as well as knowledge readily available to one of ordinary skill in the art, it is clear that the wetting region is merely a part of the liquid-pervious layer over the absorbent body, and in any rate does not include the entire portion of the liquid-pervious surface layer that extends over the absorbent body. Similarly, it is equally clear that at least a portion of the "remaining parts" do extend over the absorbent body. See, for example, Figure 1 of the present application.

With this construction of the claim in mind, it is clear that *Mesek* does not teach or suggest an article, wherein the remaining parts of the liquid-pervious surface layer are constituted of a hydrophobic material.

The foregoing amendment to claim 1 emphasizes this point.

Accordingly, in view of the fact that all of the remaining parts of the liquid-pervious surface layer are defined as constituted of a hydrophobic material, *Mesek* clearly does not teach or suggest claim 1.

In addition, the article of claim 1 includes important advantages over *Mesek*. For example, the article of *Mesek* will have a much larger hydrophilic region than that of the article of claim 1, and thus may appear damp and uncomfortable to a user, compared to the article of claim 1, wherein only the wetting region is hydrophilic.

Similar amendments have been made to claim 16, and thus, claim 16 is clearly patentable over *Mesek* at least for the reasons set forth above with respect to claim 1.

Claims 3 and 5 depend from claim 1, and are thus also patentable over *Mesek* at least for the reasons set forth above with respect to claim 1.

Claims 4, 6, and 10 have been rejected under 35 U.S.C. §103(a) as being unpatentable over *Mesek*. However, claims 4, 6, and 10 depend from claim 1, and are thus also patentable over *Mesek* at least for the reasons set forth above with respect to claim 1.

Claims 2, 7, 8, and 13-15 have been rejected under 35 U.S.C. §103(a) as being unpatentable over *Mesek*, as applied to claims 1, 3, 5, and 16, and further in view of U.S. Patent No. 5,885,268, issued to *Bien et al.* *Bien* has been relied upon by the Examiner for

its alleged teaching of a hump. Accordingly, *Bien* does not otherwise overcome the rejection of claim 2.

With regard to claim 7, the Examiner alleges that *Bien* teaches a hydrophobic layer and a hydrophilic layer. In any event, *Bien* does not overcome the deficiency of the rejection of claim 1 based on *Mesek*.

Furthermore, with regard to the rejections of claims 13-15, *Bien* does not overcome the deficiency of the rejection of claim 1. Accordingly, all of the pending rejections should be withdrawn.

In the event that there are any questions concerning this amendment, or the application in general, the Examiner is respectfully urged to telephone the undersigned attorney so that prosecution of the application may be expedited.

Drawings:

In view of the arguments set forth above with regard to the claim rejections under 35 U.S.C. §112, it should now be clear that the drawings show every feature of the invention specified in the claims.

Respectfully submitted,

BURNS, DOANE, SWECKER & MATHIS, L.L.P.

By: William C Rowland

William C. Rowland
Registration No. 30,888

P.O. Box 1404
Alexandria, Virginia 22313-1404
(703) 836-6620

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Attachment to Amendment dated June 11, 2002

Marked-up Claims 1, 7, 13 and 16

1. (Thrice Amended) Absorbent article for maintaining mucous membranes of a user moist, the absorbent article comprising:

a liquid-pervious surface layer,

a liquid-impervious surface layer, and

an absorbent body enclosed between the two surface layers,

wherein the article further exhibits a wetting region adapted to be disposed adjacent the mucous membranes of the user, which is the region of the liquid-pervious surface layer which is intended to first be wetted by body fluid emitted to the article,

wherein the liquid-pervious surface layer within the wetting region is constituted of hydrophilic absorbent material that is adapted to retain moisture, at least at the surface of the liquid-pervious surface layer which is intended to be facing the user during use so as to maintain the mucous membranes of the user moist, and that all remaining parts of the liquid-pervious surface layer are constituted of a hydrophobic material.

7. (Thrice amended) Absorbent article according to claim 1, wherein the liquid-pervious surface layer comprises a laminate of a first liquid-pervious, hydrophobic material layer arranged closest to the absorbent body, and a second liquid-pervious, hydrophilic absorbent material layer, of substantially [the] a same extension as the wetting region of the article, arranged outside the first material layer and intended to bear on the body of the user in the wetting region during use.

Attachment to Amendment dated June 11, 2002

Marked-up Claims 1, 7, 13 and 16

13. (Thrice amended) Absorbent article according to claim 1, wherein the article comprises a shaping member which, by means of influence from [the] forces which the article is subjected to during use, has [the] an ability to bring the wetting region into contact with the mucous membranes of the user.

16. (Amended) A method for maintaining a mucous membrane of a user moist with an absorbent article, the absorbent article including an absorbent body, a liquid impervious layer, and a liquid pervious layer, the liquid pervious layer constituting both a hydrophobic material and a hydrophilic absorbent material, where the hydrophilic absorbent material forms a wetting region of the liquid pervious layer that is a region that is intended to be first wetted by body fluid and all remaining parts of the liquid-pervious layer are hydrophobic, the absorbent body being enclosed between the liquid pervious layer and the liquid impervious layer, the method comprising:

wearing the absorbent article such that the wetting region is adjacent the mucous membrane of the user and the wetting region receives body fluids emitted from the user;

Attachment to Amendment dated June 11, 2002

Marked-up Claims 1, 7, 13 and 16

retaining at least a portion of the body fluids in the hydrophilic absorbent material; and

maintaining the mucous membrane of the user moist with the body fluids retained in the hydrophilic absorbent material of the wetting region.